

[117H7004]

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(Original Signature of Member)

118TH CONGRESS  
1ST SESSION

**H. R.** \_\_\_\_\_

To amend the Animal Welfare Act to prohibit the confinement of pregnant pigs, and for other purposes.

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IN THE HOUSE OF REPRESENTATIVES

Ms. ESCOBAR introduced the following bill; which was referred to the Committee on \_\_\_\_\_  
\_\_\_\_\_

## **A BILL**

To amend the Animal Welfare Act to prohibit the confinement of pregnant pigs, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Pigs in Gestation  
5       Stalls Act of 2023” or the “PIGS Act of 2023”.

6       **SEC. 2. FINDINGS.**

7       Congress makes the following findings:

1           (1) Intensive confinement of pigs is a signifi-  
2           cant animal welfare issue, causing physical problems  
3           and psychological anguish for the animals.

4           (2) Dozens of major food retailers and more  
5           than 10 states have taken action to phase out the  
6           use of intensive confinement for pigs, reflecting the  
7           will and concerns of the public.

8           (3) At least two States have adopted policies to  
9           forbid the sale of pork from factory farms that use  
10          gestation crates, with that policy predicated on  
11          human health and animal welfare concerns.

12          (4) As more consumers turn away from pur-  
13          chasing pork products derived from intensive con-  
14          finement practices, the pork industry will be better  
15          aligned with its customers by ending these unpopu-  
16          lar and inhumane housing methods.

17 **SEC. 3. PROHIBITION ON CONFINING BREEDING PIGS.**

18          (a) IN GENERAL.—The Animal Welfare Act (7  
19 U.S.C. 2131 et seq.) is amended by adding at the end  
20 the following:

21 **“SEC. 30. PROHIBITION ON CONFINING BREEDING PIGS.**

22          “(a) PROHIBITION.—

23               “(1) IN GENERAL.—It shall be unlawful for a  
24               person to cause any breeding pig to be confined in—

1           “(A) such a manner that prevents the pig  
2           from lying down, standing up, or turning  
3           around—

4           “(i) in a complete circle without any  
5           impediment, including a tether; and

6           “(ii) without touching the side of an  
7           enclosure or another animal; and

8           “(B) beginning on December 31, 2023, a  
9           space with less than 24 square feet of usable  
10          floorspace per pig, as calculated under para-  
11          graph (3).

12          “(2) EXCEPTIONS.—The Secretary shall not, in  
13          applying paragraph (1), consider a breeding pig to  
14          be confined in a cruel manner if such confinement  
15          occurs during—

16               “(A) transportation;

17               “(B) examination, testing, treatment, or  
18               an operation conducted for veterinary purposes,  
19               but only if performed by or under the direct su-  
20               pervision of a licensed veterinarian;

21               “(C) the five-day period before the pig’s  
22               expected date of farrowing; and

23               “(D) slaughter conducted in accordance  
24               with the Humane Methods of Slaughter Act (7  
25               U.S.C. 1901 et seq.).

1           “(3) CALCULATION OF USABLE FLOORSPEACE.—

2           For purposes of paragraph (1)(B), the total square  
3           footage of floorspace provided to each breeding pig  
4           in an enclosure shall be determined by dividing—

5                   “(A) the total square footage of floorspace  
6                   provided to all the animals in such enclosure; by

7                   “(B) the number of animals in that enclo-  
8                   sure.

9           “(b) PENALTIES.—For the purpose of administering  
10          and enforcing this section, the authorities provided under  
11          sections 10414 and 10415 of the Animal Health Protec-  
12          tion Act (7 U.S.C. 8313 and 8314) shall apply to this sec-  
13          tion in a similar manner as those sections apply to the  
14          Animal Health Protection Act (7 U.S.C. 8301 et seq.).  
15          Any person that violates the prohibition under subsection  
16          (a) shall be subject to penalties provided in such section  
17          10414.

18          “(c) NO PREEMPTION.—Nothing in this section pre-  
19          empts any State or local laws, regulations, orders, or other  
20          requirements with respect to animal welfare that are iden-  
21          tical to or are in addition to the requirements of this sec-  
22          tion.

23          “(d) RULE OF CONSTRUCTION.—Nothing in this sec-  
24          tion shall be construed as limiting the authority of the Sec-

1   retary under this Act or another Federal law to protect  
2   animal welfare.

3       “(e) SEVERABILITY.—If this section is held unconsti-  
4   tutional as to some provisions or circumstances, it shall  
5   remain in force as to the remaining provisions and other  
6   circumstances.

7       “(f) FINANCIAL ASSISTANCE.—

8           “(1) IN GENERAL.—The Secretary shall estab-  
9   lish a program under which the Secretary will pro-  
10   vide financial assistance to pig producers to assist  
11   such producers in complying with the requirements  
12   of this section.

13          “(2) PRIORITY.—The Secretary shall allocate  
14   funds made available under paragraph (3) among  
15   pig producers in a manner that prioritizes inde-  
16   pendent pig producers.

17          “(3) FUNDING.—The Secretary shall amend the  
18   order in effect as of the date of the enactment of  
19   this section under section 1616(c) of the Pork Pro-  
20   motion, Research, and Consumer Information Act of  
21   1985 (7 U.S.C. 4805(c)), to direct the National  
22   Pork Board, notwithstanding section 1620(c) of  
23   such Act (7 U.S.C. 4809(c)), to set aside not less  
24   than \$10,000,000 of the funds collected from assess-  
25   ments made under such Act for the first fiscal year

1       that begins after the date of the enactment of this  
2       section and the following fiscal year to provide as-  
3       sistance to pig producers, as described in paragraph  
4       (1).

5       “(g) DEFINITIONS.—In this section:

6               “(1) The term ‘breeding pig’ means any female  
7       pig that is—

8               “(A) kept for the purpose of commercial  
9       breeding who is six months of age or older; or

10              “(B) pregnant.

11             “(2) The term ‘enclosure’ means any cage,  
12       crate or other enclosure in which a pig is kept, in-  
13       cluding, a gestation crate.

14             “(3) The term ‘pig’ means any animal of the  
15       porcine species.

16             “(4) The term ‘independent pig producer’  
17       means a pig producer who owns their own pigs and  
18       is not contracted to raise pigs that belong to another  
19       entity.”.

20       (b) APPLICABILITY.—The amendment made by this  
21       section shall apply beginning on the date that is one year  
22       after the date of the enactment of this Act.